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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/587,668

06/05/2000

Tao Chen

PA000245

8446

23696

7590

05/19/2004

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2681

17

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,668

Applicant(s)

CHEN, TAO

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-26, 29 is/are allowed.
- 6) ☐ Claim(s) 1-8, 11-18, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1-8, 11-18
1. Claims ~~4-18~~ 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U. S. Patent Number 5,982,760).

Regarding claims 1-4, 11, 27, 28, Chen discloses all the claimed invention as set fourth in the instant application, further Chen discloses method and apparatus for power adaptation control in closed loop communications. Additionally, Chen detecting a quality of a signal received at a base station (which read on column 3 lines 27-31), instructing the base station to improve the signal quality (which reads on column 3 lines 20-23) and Chen further discloses instructing the wireless device to decrease a power gain (which read on column 2 lines 8-11 and column 3 lines 34-37), instructing wireless device to increase a pilot channel power level (which read on column 3 lines 14-21).

Regarding claims 5, 6, Chen discloses a first processor (42) configured to detect a quality of signal received at a base station, a second processor (34) coupled to the first processor to instruct the increase a pilot channel as exhibited in figure2 and disclosed in column 6 lines 30-40.

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Regarding claims 7-8, 12-18, Chen discloses a processor (28,34), a storage medium, as disclosed in column 9 lines 50-57, Additionally, Chen detecting a quality of a signal received at a base station, instructing the base station to improve the signal quality (which reads on column 3 lines 20-23) and Chen further discloses instructing the wireless device to decrease a power gain (which read on column 2 lines 8-11), instructing wireless device to increase a pilot channel power level (which read on column 3 lines 14-21) and multi-bit power control (which read on column 7 lines 25-32).

Allowable Subject Matter

2. Claims 19-26 and 29 are allowed.

Response to Arguments

3. Applicant's arguments filed 4-22-04 have been fully considered but they are not persuasive.

Regarding applicants arguments that Chen fails to teach or suggest instructing a wireless device to increase a pilot channel transmit power level and to decrease the power gain of other channels in relation to the power channel, the examiner disagrees. The examiner contends that Chen discloses ("The apparatus includes a receiver, a measurement circuit, a transmitter and a processor. The receiver receives a current signal and a feedback control message from a first station. The first station is either the base station or the user station. The measurement circuit is coupled to receive the current signal as configured to determine a level of the current signal.

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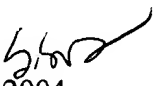
The transmitter transmits a current control message to a second station corresponding to the level of the current signal" disclosed in column3 lines 40-50) which reads on instructing a wireless device to increase a pilot channel transmit power level, and to decrease the power gain of the other channels in relation to the power channel.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
May 17, 2004


PATENT EXAMINER